

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:07-1014-JFA
)	
v.)	ORDER
)	
RICO BARBER)	
)	
_____)	

The defendant, Rico Barber, pled guilty to Count 1 of the Superseding Indictment charging him with conspiracy to possess with intent to distribute and to distribute 50 grams or more of cocaine base and 5 kilograms or more of cocaine, in violation of federal law. At sentencing and after the court granted a three-level variance, the defendant's offense level was 32, and with a criminal history category of III, this yielded a sentencing guideline range of 151 to 181 months. The court sentenced the defendant to a custodial term of 129 months after adjusting his sentence by 22 months to account for time spent in state custody.

The government has now filed a motion for a reduction of sentence pursuant to Rule 35(b)(2) of the Federal Rules of Criminal Procedure. Specifically, the government suggests that the defendant has provided unrewarded substantial assistance in the investigation and prosecution of other individuals. In connection with its motion, the government recommends a three-level reduction in Johnson's total offense level.

Consistent with its standard practice, this court advised the defendant that the government's motion to reduce his sentence had been filed and invited him to provide

information that the court might consider in determining the extent of the departure. The defendant did not respond.

After carefully reviewing the materials submitted by the government and the defendant, this court is of the opinion that a reduction of 2 levels is appropriate in this case. Therefore, the defendant's new offense level is 30 and the criminal history category remains at III, yielding an advisory sentencing range of 121 to 151 months imprisonment.

Accordingly, the government's motion for a reduction of sentence is hereby granted. The custodial portion of the defendant's sentence is hereby reduced to a term of 121 months. All other aspects of the original sentence remain in full force.

IT IS SO ORDERED.

February 1, 2012
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge